IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.16833 of 2001

Between:

Chinta Pullaiah S/o. China Puthaiah
R/o. Kapavaram Colony Gommukothagudem Panchayat,
Bhadrachalam Mandal, Khammam District.

...PETITIONER

AND

1. The Election Officer, Gommukothagudem Panchayat,

Bhadrachalam Mandal, Khammam District.

2 Yannam Venkateswarlu S/o. China Muthaiah
Gommukothagudem Panchayat, Bhadrachalam Mandal,
Khammam District.

3 The Sub-Collector (FAC)
Bhadrachalam, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more in the Nature of Mandamus declaring the order passed by the 3rd respondent in Appeal petition No.2/2001 dt.7.8.2001 as highly arbitrary, illegal and without having any power and jurisdiction and also contrary to the provision of A.P. Panchayat Raj Act, 1994 and the rules made there under and to declare the petitioner is entitled to contest in the election.

Counsel for the Petitioner: MR.P.V.RAMANA

Counsel for the Respondents: ADVOCATE GENERAL

The Court made the following:

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ORDER:

On the eve of Elections to Gram Panchayat of Gommukothagudem Panchayat, the petitioner filed nomination and after the last date of filing nominations, they were scrutinized on 05.08.2001. The first respondent accepted the nomination of the petitioner as valid. However, the third respondent by order dated 07.08.2001 directed the first respondent to reject the nomination of the petitioner allegedly on the ground that the petitioner incurs disqualification under Section 19(3) of the A.P.Panchayat Raj Act, 1994. The said order is assailed in the Writ Petition. This Court while admitting the Writ Petition suspended the orders of the third respondent. It is brought to my notice that pursuant to suspension order, the petitioner was allowed to contest the Election. Therefore, nothing survives in the Writ Petition.

The Writ Petition is therefore dismissed as infructuous.

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(V.V.S.RAO, J)

8th September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1 The Election Officer, Gommukothagudem Panchayat,

Bhadrachalam Mandal, Khammam District.

2 The Sub-Collector (FAC)
Bhadrachalam, Khammam District.

3. Two CCs to Advocate General, High Court Buildings, Hyderabad (OUT)

4. Two CD copies.